

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

WEBB'S PRODUCE FARMS AND MARKET

PLAINTIFF

V.

CASE NO. 3:19CV357DPM

**CITY OF MCCRORY AND WOODRUFF
COUNTY**

DEFENDANTS

ANSWER

COMES now Separate Defendant City of McCrory, by and through counsel, Sara Monaghan, and for its Answer to Plaintiff's Amended Complaint, states:

1. Separate Defendant denies the allegations on Page 2 of 18 of Plaintiff's Amended Complaint.

2. Separate Defendant denies the allegations on Page 3 of 18 of Plaintiff's Amended Complaint.

3. The allegations on Page 4 of 18 of Plaintiff's Amended Complaint require no response from Separate Defendant; however, to the extent a response is deemed necessary Separate Defendant denies the same and further denies any and all allegations of wrongdoing.

4. Page 5 of 18 contains a photo exhibit and as such, no response is required. Page 5 of 18 speaks for itself.

5. Page 4 of 18 contains conclusions of law and as such, no response is required; however, to the extent a response is deemed necessary, Separate Defendant denies the same and further denies any and all allegations of wrongdoing.

6. Page 5 of 18 is a photo exhibit and as such, no response is required. Page 5 of 18 speaks for itself.

7. Page 6 of 18 contains an exhibit with Lowe's pricing, and as such, no response is required. Page 6 of 18 speaks for itself.

8. Page 7 of 18 contains a photo exhibit and as such, no response is required. Page 7 of 18 speaks for itself.

9. Page 8 of 18 contains an exhibit, and as such, no response is required. Page 8 of 18 speaks for itself.

10. Page 9 of 18 contains an exhibit and as such, no response is required. Page 9 of 18 speaks for itself.

11. Page 10 of 18 contains an exhibit and as such, no response is required. Page 10 of 18 speaks for itself.

12. Page 11 of 18 contains an exhibit and as such, no response is required. Page 11 of 18 speaks for itself.

13. Regarding Page 12 of 18; Paragraph 1, Separate Defendant denies the basis and characterization of same, and therefore denies the same and further denies any and all allegations of wrongdoing. (Mayor said he may have asked for a background check just because he would be working around children at the park which is common)

14. Separate Defendant denies the allegations of Page 12 of 18 of Plaintiff's Amended Complaint.

15. The allegations on Page 13 of 18 of Plaintiff's Amended Complaint require no response from Separate Defendant; however, to the extent a response is deemed necessary, Separate Defendant denies the same and further denies any and all allegations of wrongdoing.

16. Page 14 of 18 doesn't assert allegations against the City of McCrory and as such no response is required; however, to the extent a response is deemed necessary, Separate Defendant denies the same and further denies any and all allegations of wrongdoing.

17. The allegations on Page 15 of 18 of Plaintiff's Amended Complaint require no response from Separate Defendant; however, to the extent a response is deemed necessary, Separate Defendant denies the same and further denies any and all allegations of wrongdoing.

18. Separate Defendant denies the allegations on Page 16 of 18 of Plaintiff's Complaint.

19. The allegations on Pages 17 and 18 do not assert allegations against the Separate Defendant and as such no response is required; however, to the extent a response is deemed necessary, Separate Defendant denies the same and further denies any and all allegations of wrongdoing.

20. Separate Defendant requests a trial by jury.

21. Separate Defendant denies each and every allegation not specifically admitted to herein

AFFIRMATIVE DEFENSES

1. Plaintiff's Complaint fails to state a claim upon which relief can be granted. Pursuant to FED R.CIV. P. 12(b)(6), Plaintiff's Amended Complaint should be dismissed.

2. The City is entitled to tort, qualified, good faith, statutory, and punitive damages immunity under all applicable doctrines of immunity pursuant to state and federal law, including but not limited to, ARK. CODE ANN. Sec. 21-9-301.

3. Separate Defendant avails itself of all applicable statute of limitations.

4. The City asserts the affirmative defense of estoppel.

5. Plaintiff failed to exhaust administrative remedies or satisfactory prerequisites to this action.
6. Separate Defendant asserts the Plaintiff lacks standing and the defense of ripeness.
7. Separate Defendant asserts insufficiency of process and insufficient service.
8. The City reserves the right to raise additional defenses by amending or supplementing this pleading as defenses become available or apparent during the course of this action.

Respectfully submitted,

BY: Sara Monaghan, ABA# 2005276
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CERTIFICATE OF SERVICE

I, Sara Monaghan, do hereby certify that on June 11, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and a copy of the above and foregoing was served upon the following, via U.S. Certified Mail:

CERTIFIED MAIL
Webb's Produce Farms and Market
605 Chapel Oaks Road
McCrory, AR 72101

/s/ Sara Monaghan
Sara Monaghan